C.C.R.B CASE CLOSING FORM

Investigator assigned:			Team:	CCRB#	4:	⊠ Fo	rce 🛛 Discourtesy	
Peter J. Davis			8	990233	3	⊠ Ab	use 🔲 O.L. 🔲 Injury	
Date of incident:	Time of incident:	Location of	incident:		Pct. of	Date S	S.O.L. Expires:	
5/4/99	4:45 PM	§ 87(2)(b)			occurrence:		11/4/00	
314177	7.73 1 101				052		1174/00	
Date reported:	Time reported:	To whom/w	here/how	reported:			***************************************	
5/20/99	1:30 PM	Complaint r	nade to IA	B 5/11/9	9, 7:42 AM			
Complainant:			address:			·		
§ 87(2)(b) § 87(2)(b)	1	§ 87(2)(b)			§ 87(2)(b)			
Victim(s):			address:		_			
§ 87(2)(b) § 87(2)(b)	I	§ 87(2)(b)			§ 87(2)(b)			
§ 87(2)(b) § 87(2)(b)		§ 87(2)(b)			§ 87(2)(b)			
Witness(es):		Home	address:					
§ 87(2) § 87(2)(b)		§ 87(2)(b)			§ 87(2)(b)			
§ 87(2)(b) § 87(2)(b)	§ 87(§ 87(2)(b)	§ 87(2)(b)		§ 87(2)(b)			
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(b) § 87(2)(b) § 87(2)(b)		§ 87(2)(b)						
Subject officer(s)	(include rank):	Shield:		Tax:	C	ommand:		
PO Brian Mullen		23919		90688	5 52	2 Precinct		
Sgt. Kevin Campb		130		889689		2 Precinct		
Witness officer(s)	(include rank):	Shield:	•	Tax:	C	ommand:		
PO Robert Spies		24391		907382	2 52	2 Precinct		
PO Jeff Caton		25483				2 Precinct	ı	
PO Ruben Ruiz	nez (Retired 8/9/99)	15621		89594	/ 33	3 Precinct		
Allegation(s) by lett							Recommendation(s):	
(A) Discourtesy: O	n § 87(2)(b)	an officer spol	ce rudely to	§ 87(2)(b)	§ 87(2)(b)		§ 87(2)(g)	
(B) Discourtesy: Or	n § 87(2)(b)	an officer spok	e rudely to	§ 87(2)(b) § 8	87(2)(b)			
(C) Force: On § 87(2)		ficer used physical	ical force a	gainst ^{§ 87(2} § 87(2)(b)				
(E) Force: On § 87(2)(b) an officer used physical force against § 87(2)(b) § 87(2)(b)								
	(F) Abuse of Authority: On § 87(2)(b) an officer searched § 87(2)(b) § 87(2)(b)							
(G) Abuse of authority: On \$87(2)(b) an officer threatened \$87(2)(b) \$87(2)(b) with the use of force.								
(H) Abuse of authority: On § 87(2)(b) , Sgt. Kevin Campbell threatened to arrest § 87(2)(b)								
	(I) Abuse of authority: At \$87(2)(b) , PO Brian Mullen threatened \$87(2)(b) with arrest and/or the use of force.							
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Synopsis

§ 87(2)(b)	§ 87(2)(b)	was arrested after she maced a man who she claims attacked her husband, §87(2)(b)	§ 87(2)(b)	She
and her	husband	allege that they were led into an alley by two police officers who used force, discou	urteous	
languag	e, and thr	reats while searching them. A sergeant on the scene is charged with making an imp	proper threa	at of
arrest.	§ 87(2)(b), § 87(2	2)(g)	Ì	

Summary of Complaint

Complainant \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$ states that her husband, \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$ was assaulted on	by
	prayed mace in
the face of his attacker. \$87(2) 887(2)(b) went directly to the 52 nd precinct to make a complaint against	§ 87(2)(b)
while $^{\$87(2)}_{(b)}$ went back inside with the children. While $^{\$7(2)}_{37(2)}$ was gone, $^{\$87(2)(b)}_{37(2)}$ was gone,	oanged on her
door and made threats against her and her children. She sent the children out the window to a local of	community
group, where they called 911, then went there herself to pick them up.	

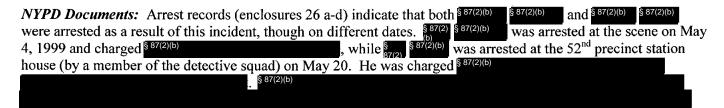
states that her husband made a complaint report at the 52^{nd} precinct and was told to return to his home, where a sector car would be responding. Both $\frac{87(2)}{b}$ and $\frac{87(2)}{37(2)}$ and $\frac{87(2)(b)}{37(2)}$ arrived at $\frac{87(2)(b)}{37(2)}$ and $\frac{87(2)(b)}{37(2)}$ Also present was $\frac{87(2)(b)}{37(2)}$ Ruben Ruiz, who is a police officer from the 33^{rd} precinct in Manhattan.

PO Spies and PO Mullen, according to \$\frac{87(2)}{(b)}\$ \$\frac{87(2)(0)}{(b)}\$ took \$\frac{87(2)}{(c)}\$ and \$\frac{87(2)}{(b)}\$ into an alley between two buildings and placed them against a wall. They told them both to shut up (allegations A and B) and PO Mullen smacked a cigarette out of \$\frac{87(2)}{(b)}\$ \$\frac{87(2)(0)}{(b)}\$ hand as she brought it to her mouth, telling her that he did not like cigarettes (allegation C). PO Mullen patted her down and made her empty her pockets, then crushed her pack of cigarettes and threw them away, again saying that he did not like cigarettes (allegation D). Meanwhile, PO Spies was frisking \$\frac{8}{37(2)}\$ and held his head against the plaster wall (allegations E and F). Both officers were calling the \$\frac{87(2)(0)}{(0)}\$ "all kinds of names," such as crackheads (allegations A and B).

When the officers finally arrested [87(2)] [87(2)(b)] her husband tried to tell them that [87(2)] [87(2)(b)] should be arrested for attacking him. Sgt. Campbell (who was identified by his name and by shield number 130) interrupted [87(2)] and said, "we don't want to hear anything you've got to say – just take a walk, get away from here because you'll be arrested too" (allegation H). [87(2)] [87(2)(b)] continued to insist, but the sergeant told him to "keep stepping."

adds that later that day, when she was at the hospital being treated for high blood pressure, her husband had a confrontation with PO Mullen. She did not describe this confrontation.

Results of Investigation

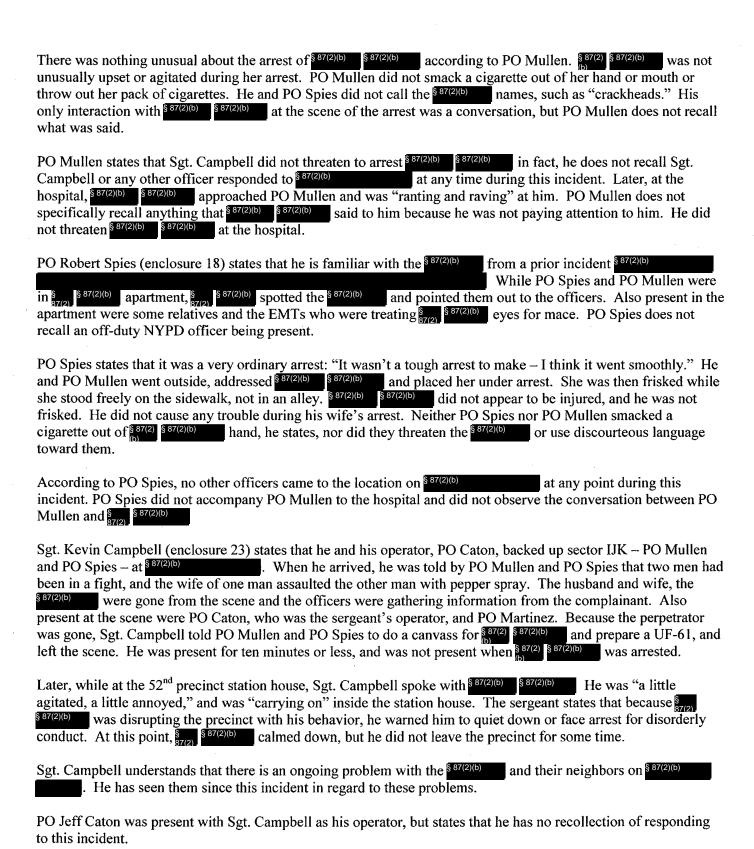


§ 87(2)(b)
Records obtained from the 52 nd precinct were used to indicate the officers who were on duty during this incident (roll call, enclosure 27) as well as the aided reports which were filed. The aided index (enclosure 28) reveals that aided reports were filed for both \$87(2)(b) and \$87(2)(b) \$87(2)
Finally, complaint report records (enclosures 33 a-b) indicate that $\frac{8}{37(2)}$ and $\frac{8}{37(2)}$ filed cross-complaints after this incident. Both reports were filed at 3:45 PM on May 4, 1999. Complaint report $\frac{8}{37(2)}$, filed by $\frac{8}{37(2)}$ states that at the time of occurrence, $\frac{8}{37(2)}$ was determined to be the aggressor in his dispute with $\frac{8}{37(2)}$ states that the went to $\frac{8}{37(2)}$ states that an apartment and started the dispute. A complaint report index for May 4, 1999 (enclosure 32) indicates that no other UF-61s were filed in regard to this incident on that day.
Civilian statements: \$87(2)(b) and \$87(2)(b) were interviewed at CCRB on July 16, 1999, along with three of their four children who were witnesses. \$87(2)(b) \$87(2)(b) (enclosure 9) states that on May 4, 1999, he was the victim of an unprovoked and unwarranted attack by \$87(2)(b) who had harassed and attacked him on several prior occasions. To save him from this attack, his wife sprayed mace on \$87(2)(b) \$87(2)(b) \$87(2)(c) \$87(2)(c
He returned to \$\frac{\\$87(2)(b)}{\$\text{constant}}\$ and identified himself to the officers there. An officer named Campbell said to him, "Keep on steppin' – go away, because I'm going to arrest you" (allegation H). When \$\frac{\\$87(2)(b)}{\\$7(2)}\$ continued to say that he had a report calling for \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$ arrest, the officers got "real nasty" and took him and his wife to the alley to search them. One officer pushed \$\frac{\\$87(2)(b)}{\\$7(2)}\$ head against a wall (allegation E), causing more damage to the head wound inflicted earlier by \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$ The same officer twisted his wife's arm and smacked a cigarette out of her mouth.
states that when he was being frisked, the officer frisking him told him to "shut the hell up" (allegation B) then put his hands inside [37(2)] pockets, turning them inside-out (allegation F). [37(2)] protested this treatment, to which the officer said, "shut the hell up — don't give me no problems or I'll smack you down" (allegation G). He then protested to the officer frisking his wife, but he also told him to shut the hell up (allegation B). [37(2)] [37(2)] head was being pressed against the wall, with his bloody wound painfully touching the plaster, so he continued to protest. The officer frisking him said, "shut the hell up, because I'm gonna give you more" (allegation G). He protested again to the officer who was frisking his wife, who was now twisting her arm, but that officer replied, "didn't I tell you to shut the hell up?" (allegation B).
was then put in a car and taken to the precinct. [87(2)] \$87(2)(b) took the children to the precinct, where the officers were "very nasty" and did not ask him how he was feeling or offer him medical attention. Officer Campbell told him to leave the precinct because his wife was going to jail. Later, he was told that his wife went to the hospital and he went there to see her. He "had a little talk" with the officer who arrested his wife and told him that he could have simply given his wife a DAT instead of putting her through the system. He said, "Why didn't you give her a DAT? Are you contented?" The officer replied, "yeah, I am." [87(2)] \$87(2)(b) said to him, "I find you so, so cold," to which the officer replied, "I advise you to shut up, because when I see you around the neighborhood, I got you – and I'm gonna take care of you" (allegation I).

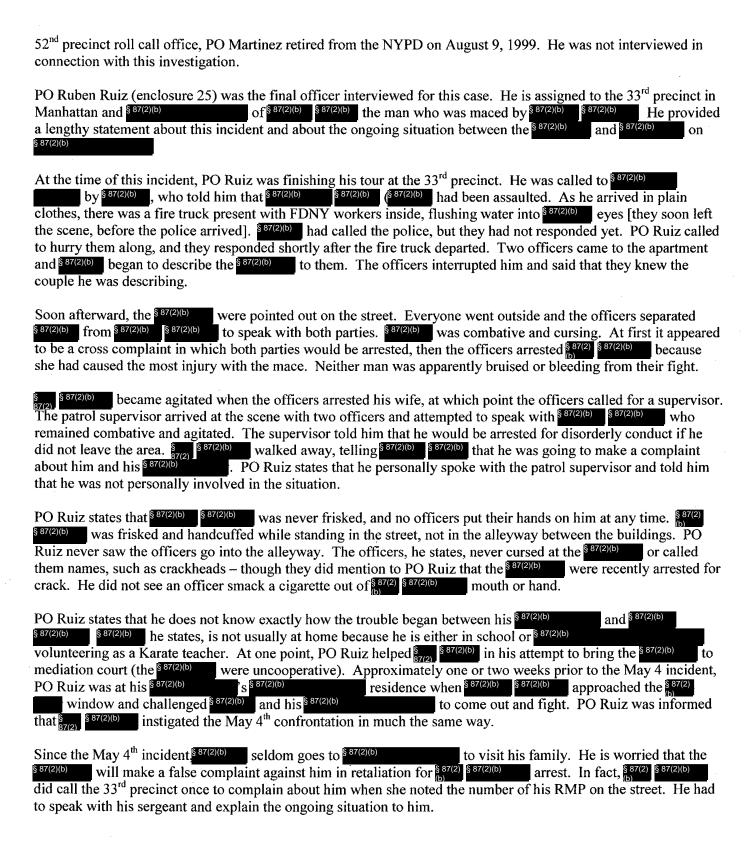
states that he did not receive medical treatment for the wound on his head.
On August 24, 1999, and save and 10). Sgt. Campbell was identified by both save as the officer who told was being arrested on save and sgt. Campbell by name.
"actually did the physicalities." PO Mullen, she states, was the officer who smacked the cigarette out of her hand and threw away her cigarette pack. She hesitated in identifying PO Spies in the photo array, then stated that PO Spies was "backing up whatever Mullen and Campbell said." He "helped" put the **[87(2)(b)**] against the wall but did not commit any of the "physicalities." **[87(2)(b)**] \$\frac{87(2)(b)}{87(2)(b)}\$ identified PO Mullen as "the officer that got really aggressive with me. He put my head against the wall, where I had the cut." He identified PO Spies as "the officer that was very aggressive with my wife and told me to shut up. This guy was really, very, very nasty."
(enclosure 11), the oldest of the save the officers pull her parents into an alley and put her father against the wall, telling him to shut up. The cut on his head got worse wher his head hit the wall in the alley. She heard her father and the officers yelling at each other, and she states that her mother was "hysterical" at the time of her arrest. Later, at the precinct, save her father trying to get her mother out of jail. He was upset and was cursing at the officers, and the kids were all crying "hysterically." states that her father says that most cops are bad, and she agrees.
The officer handcuffed his father and searched him, pulling the things out of his pockets and throwing them on the ground. The other officer was with his mother, but he was not searching her. Later, they all went to the precinct, where a captain told his father to shut up and called him a junkie. §87(2)(b). §87(2)(b). §87(2)(c)
(enclosure 13), (enclosure 13)
(enclosure 14) is the strict the strict the strict that the st
went back to his office and came outside again a short while later. By that time, sar(2) sar(2)(0) was already in handcuffs and was being placed in the back of the police car. "There were probably more police officers than witnesses" on the scene, he states, recalling that there were three police vehicles there. He recalls one or more sergeants also present on sar(2)(0) as sar(2)(0) was being arrested. He did not see the police frisking either of the sar(2)(0) nor did he see them using any physical force against them. He did not witness the officers with the sar(2)(0) in the alley near his office.

placed in the car. He states that he did not hear or see anything out of the ordinary; "It was a very straight-forward arrest."
\$87(2)(b) \$87(2)(c) has had problems with the \$87(2)(c) He states that the are relatively new to the neighborhood. When asked if they are good people, he replied: "no, not really – in fact, they're not good at all. \$87(2)(c) we've had our ups and downs with them. \$87(2)(c) \$8
ser(2)(b) states that on May 4, ser(2)(b) came to the open window of his ser(2)(b) apartment and began challenging him, telling him he was going to kick his ass. ser(2)(b) tried to avoid the situation until he went outside and was attacked by ser(2)(b) ser(2)(b) Suddenly, ser(2)(c) ser(2)(d) came from "out of nowhere" and maced him. He called the police from his apartment, and was treated by FDNY.
According to \$\frac{\\$87(2)(b)}{\\$7(2)}\$ \$\frac{\\$87(2)(b)}{\\$7(2)}\$ was gone when the police arrived, and showed up again when the officers were about to leave. He had been speaking with the officers in his apartment, where his \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$, an NYPD officer from the 33 rd precinct, was also present. \$\frac{\\$87(2)(b)}{\\$7(2)}\$ identified the \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$ to the police, who knocked on her door to get her out of her apartment. When she came out, she was screaming and cursing at the officers until they finally placed her under arrest. During part of this incident, \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$ was inside his apartment, near the \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$ window facing the street. He did not see whether \$\frac{\\$87(2)(b)}{\\$7(2)}\$ spoke with the officers or was frisked, or whether the \$\frac{\\$87(2)(b)}{\\$87(2)(b)}\$ were taken into the alley.
refers to problems that he has had with the since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999 is since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999 is since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999 is since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999 is since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. Since early 1999 is since early 1999. The situation was so bad that at one point the situation was so bad that at one point the situation was so bad that at one point the situation was so bad that at one point the situation was so bad that at one point the situation was so bad that at one point the situation was so bad that at one point the situation was so ba
The injuries claimed by \$87(2)(b) he states, are false. Neither man hit the other or caused any injuries. When \$87(2)(b) grabbed him, he "reacted" and the two fell to the ground, with \$87(2)(b) on top. \$87(2)(b) he states, held him down while his wife maced him. \$100 pt 100
Police officer statements: PO Brian Mullen states that he and PO Spies responded a 10-34 at \$87(2)(b) apartment (his memo book states \$87(2)(b) #1A) and spoke with him for approximately fifteen minutes until \$87(2)(b) his eyes watery from the mace – pointed out \$87(2)(b) in the street. Inside the apartment there were one or two other unidentified people; PO Mullen does not recall any off-duty police officers being present.
may have been accompanied by \$87(2)(b) who came from another direction. PO Mullen knows the \$87(2)(b) from a prior job in which he performed back-up for another sector. Without first conducting a frisk, PO Mullen and PO Spies placed \$87(2)(b) under arrest. They frisked her after arresting her, but PO Mullen does not recall where she was standing at the time. \$87(2)(b) he states, was not unusually agitated, though \$87(2)(b) was "upset" because his wife was being arrested. PO Mullen does not recall \$87(2)(b) having any visible injuries, though he did complete an aided report for \$87(2)(b) stating that he sustained a scratch to his forehead (enclosure 29).

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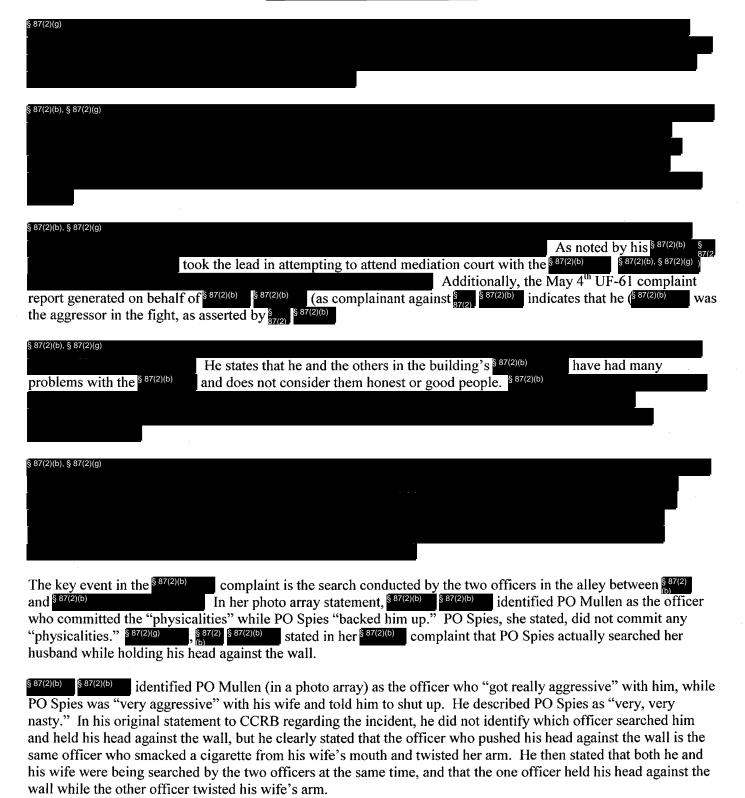


PO George Martinez was also present, according to Sgt. Campbell's memo book and statement. According to the



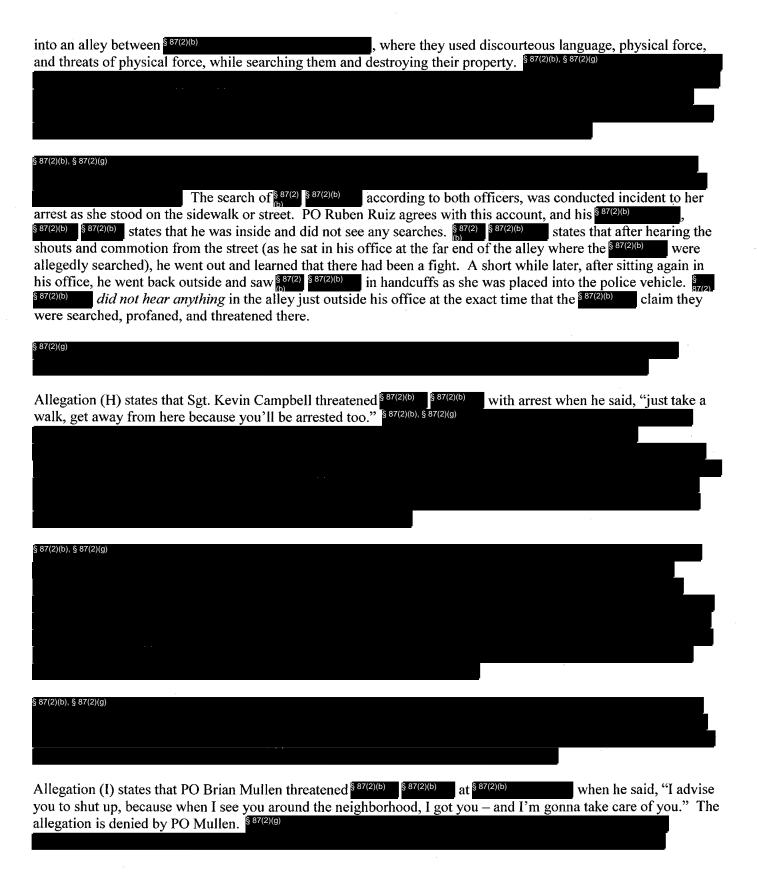
CCRB#: 9902333

Conclusions and Recommendations



\$87(2)(b). \$87(2)(g) first identified two officers searching her and her husband, then later stated that one officer was wholly responsible while the other officer "backed him up." Finally, when they did state that both officers searched them, they each claimed that PO Mullen searched them while PO Spies searched the other.
\$87(2)(b). \$87(2)(g) \$87(2)(b) \$87(2)(b) \$states that she and her husband were frisked in the alley before she was handcuffed and placed to the police vehicle. At that time, her husband complained to Sgt. Campbell, who threatened to arrest him. \$87(2)(b) \$87(2)(c)
§ 87(2)(g)
Sgt. Campbell himself states that he was present at the beginning of the job, and that he instructed the two officers on how to handle the situation. Present with him was PO Caton and PO Martinez. PO Ruiz affirms that the patrol supervisor arrived at the scene with two officers and also states that he clearly identified himself as an off-duty officer. Additionally, \$87(2) \$87(2)(6) \$87(2)(6) \$87(2)(6) \$87(2)(6)\$ states that there were three police vehicles present and "probably more police officers than witnesses" at the scene.
\$87(2)(b) and \$87(2)(b) both allege that Sgt. Campbell was present at \$87(2) \\ \$87(2)(b) arrest and threatened \$7(2)\$ with arrest. And while Officers Spies and Mullen claim that they were alone the entire time, and while PO Caton (the sergeant's operator) does not recall the job, witness \$87(2)(b) observed three police vehicles and many officers, including a sergeant or sergeants, at PO Ruiz, who is assigned to the 33 rd precinct and who was off-duty during this incident, specifically recalls a patrol sergeant warning or threatening \$87(2)(b) \$87(2)(b) with arrest at \$87(2)(b) with arrest at \$87(2)(b) The 52 nd precinct roll call for May 4, 1999 indicates that Sgt. Campbell was the only patrol sergeant on duty during the third tour of that day.
§ 87(2)(b), § 87(2)(g)
Allegations (A) through (G) state that PO Brian Mullen and PO Robert Spies led \$87(2)(b) and \$87(2)(b) and \$87(2)(b)

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Investigator:	de l'	Date:	4/12/00	
Supervisor:		Date:		
Reviewed by:	mwa	Date:	4/12/00	
Reviewed by:		Date:		